CONFERENCE ON DISARMAMENT

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Views on the complementarity of the responsibilities of the UN Secretary-General and the Conference on Disarmament under the rubric "Transparency in Armaments"

Introduction

During the past few years political events have moved at a breathtaking speed and have fundamentally altered the nature of global security concerns. The old East-West confrontation has withered away and the threat of global nuclear war has receded. At present the world situation is in a state of flux and full of uncertainties which make it difficult for states to assess and provide for their legitimate security needs. A major stabilizing factor in this uncertain world is transparency in matters related to military security. Transparency is the key concept for executing the arms control and disarmament agenda of the nineties - it can be described as the new codeword for enhanced security for all. By the adoption of Resolution 46/36 L the UN General Assembly has decided to make openness and transparency in Armaments its objective. The UN Register of Conventional Arms is the concrete instrument to fulfil this objective.

In parallel, the UN General Assembly has requested the Conference on Disarmament to elaborate practical means to increase openness and transparency pertaining to military holdings and procurement through national production, as well as to weapons of mass destruction and transfer of high technology with military applications.

The UN Register of Conventional Arms

In October 1993 for the first time a United Nations Secretary-General's consolidated report on Transparency in Armaments (document A/48/344) appeared. Together with its supplements, this Report lists returns for calendar year 1992 submitted by 83 Member States to the UN Register of Conventional Arms. This was a promising start, especially because all major arms suppliers reported and because a significant part, some ninety percent, of the total number of

inter-state arms transfers for the calendar year 1992 was covered.

As for the second consolidated UN Secretary-General's report which will contain returns pertaining to the calendar year 1993, more nations should participate to make the Register truly universal. All UN Member States are urged to report their imports and exports in 1993 of arms covered by the seven categories of the Register to the UN Secretary-General by 30 April 1994. If individual states have no imports or exports of arms to report, it is nevertheless important to file a so-called "nil-return" with the UN Secretary-General. A "nil return" is indicative of a nation's willingness to participate in the transparency drive. Submission of a "nil-return" is an important political gesture.

The transparency process stands only to benefit if more than the roughly 30 states that have hitherto done so, were to provide background information for the Register. Background information should relate to military holdings and procurement through national production, preferably covering the seven categories for arms transfers and following the model of the Standardised Reporting Form used for transfers. Background information should further explain policies concerning arms transfers, and export policies, legislation and administrative procedures regarding the authorisation of arms transfers and the prevention of illicit transfers.

In 1994, a Group of Governmental Experts, established by the UN Secretary-General under operative paragraph 11(b) of UNGA resolution 46/36L, has to prepare a report on the continuing operation of the Register and its further development. With a view to enabling that New York Group to base its findings also on the returns by Member States over calendar year 1993, the above-mentioned deadline - 30 April 1994 - for those returns by Member States to the UN Register becomes all the more important.

The 1994 Group of Governmental Experts on the UN Register of Conventional Arms

The mandate of the 1994 Group of Governmental Experts in the first place expects them to review the results of the Register in terms of ensuring its continuing operation. This means that the universal and non-discriminatory basis of the Register should be secured and that its overall objective be served. The objective is to enhance transparency, without prejudice to the security of Member States, and to help avoiding destabilizing accumulations of arms. To that end the 1994 Group of Governmental Experts might recommend some slight procedural adjusments to be applied to the Standardised

Reporting Form as well as some adjustments to existing categories.

The second task of the Experts 1994 Group of Governmental Experts is to formulate recommendations on the further development of the Register. This concerns the possible addition of categories of equipment and expansion of the scope of the Register, for instance by including data on military holdings and procurement through national production. Follow-up action of the UN General Assembly on such recommendations will determine the Register's shape and impact for the foreseeable future.

A recommendation for using the Register as an instrument for regional consultation and co-operation is another possibility to be considered.

Responsibilities of the CD relating to Transparency in Armaments

The Conference on Disarmament has devoted the last two years to the necessary and fruitful exploration of this new subject. Specifically in 1993, CD-delegations have invested in transparency in armaments by indicating national positions, and submitting working papers and practical proposals on the issue.

On this basis, the CD should formulate concrete proposals for increasing openness and transparency in armaments. Such proposals will contribute to building confidence and trust among states and, consequently, will create greater stability, worldwide and regional.

The work of the CD is of direct relevance to the overall transparency process. The CD's responsibility for openness and transparency in armaments is neither restricted in time nor in place. The work of the CD is a continuous part of a "Family of Efforts". Work in Geneva and in New York is complementary: UNGA-resolution 46/36L provides for specific responsibilities of the Register on the one hand and of the Conference on Disarmament on the other. While, at least initially, the purpose of the Register is to increase openness and transparency in relation to conventional arms transfers, the CD has a wider, more general task.

The CD will only fulfil its responsibility properly if, under the rubric Transparency, it designs and develops measures aimed at reducing and, hopefully, preventing aggravation of conflict situations.

The CD should also provide inputs of practical use to the UN Register. Indeed operative paragraph 11(b) of

resolution 46/36L explicitly mentions that the 1994 Group of Governmental Experts should take "into account the work of the Conference on Disarmament as set forth in paragraphs 12 to 15".

In conformity with the global responsibility of the CD for Openness and Transparency is should be stressed that the application of measures designed and developed here can be both worldwide and regional.

As an example of regionally developed measures, the record of the Conference on Security and Cooperation in Europe (CSCE) speaks for itself. The Stockholm CSBM Document of 1986 has been gradually expanded over the years. The present Vienna Document 1992 contains a wide range of confidence building measures:

- an annual exchange of information on military organisation, manpower and major weapons and equipment systems;

- the possibility of verifying that information during evaluation visits;

- a consultation mechanism for unusual military activities;

- a programme of visits (to air bases) and military contacts;

- a communications system for speedy notifications between Foreign Ministries.

At present negotiations about the further development of the Vienna Document continue.

The Treaty on Conventional Armed Forces in Europe, the CFE Treaty, has also increased openness tremendously. In the Treaty ceilings on heavy weaponry (much like the first five categories of the UN Arms Register) have been agreed upon. These ceilings must be reached in November 1995, after a 3 year-reduction period, the first one having transpired some time ago. After the first reduction year 17,000 pieces of equipment have been destroyed or converted. More than 1,000 on-site inspections have taken place, among which quite a number of challenge inspections. Undoubtedly, this large number of inspections contributes considerably to transparency in disarmament.

Numbers and technical data are important, particularly in the framework of the Register. The arms control measures to be elaborated in the CD pertain to major weapons platforms,

categories of weapons with a proven suitability for cross-border offensive actions. These systems are relatively easy to identify, define, record and monitor.

The elaboration by the CD of practical means to enhance openness and transparency does not need to be a technical and specialist operation. The CD's task is political. Excruciating efforts to define precisely holdings, transfers and equipment will not fulfil the objectives of the CD. Practical, down-to-earth measures and designs need to be elaborated that help neighbours to start trusting each other. Political commitment is a conditio sine qua non in building confidence and increasing stability.

Practical inputs of the CD for the UN Register of Conventional Arms

A number of concrete suggestions can be offered for the implementation of the CD's responsibilities pertaining to Transparency in Armaments.

The CD's Ad Hoc Committee on Transparency in Armaments should enable the 1994 New York Group of Governmental Experts to take into account, inter alia, the work of the CD in preparing its report to the 49th UNGA, according to operative paragraph 11 (b) of resolution 46/36L.

At its first session the UN Secretary-General's 1994 Group of Governmental Experts as a whole felt that they should have sound knowledge of the CD's work on the issue. The Group therefore urged its Chairman to draw the attention of the Chairman of the Ad Hoc Committee on Transparency in Armaments to certain time constraints in relation to the adequate discharge of the CD's responsibilities in this respect (CD/TIA/CRP.6).

The input of the CD would give a useful dimension to the work of the Group. Specifically, views of the CD on practical means to increase openness and transparency related to excessive and destabilizing accumulations of arms, military holdings and procurement through national production will be of direct relevance to both the Group and the Register (the Ad Hoc Committee can draw on a proposal by France on the expansion of the Register to cover military holdings and procurement through national production, CD/TIA/WP.9).

Consequently, at its second session, starting 31 May 1994, the 1994 Group of Governmental Experts should have at its disposal some reflection of the CD's work on Transparency in Armaments.

Proposals in the CD for practical means to increase openness and transparency

As far as the CD's responsibility in the wider framework of Transparency in Armaments is concerned, concrete suggestions for action can largely be based on existing proposals, submitted to the Ad Hoc Committee on Transparency in Armaments in 1993. The CD should elaborate these proposals with a view to developing confidence-building measures. This does not preclude the consideration of useful new proposals.

In the conventional field the following subjects for confidence-building measures present themselves:

a) declarations on the size and organisation of armed forces (proposal by the United Kingdom, CD/TIA/WP.5);

b) declarations on the closure or conversion of military production facilities (proposal by Italy, CD/WP/.17 and Corr.1);

c) international data exchange of military holdings and procurement through national production (proposal by the United States, CD/TIA/WP.4; proposal by Germany, CD/TIA/WP.13 and proposal by the Russian Federation, CD/TIA/WP.18);

d) complementary regional measures to enhance Transparency in Armaments (proposal by Japan, CD/TIA/WP.7);

e) a Code of Conduct (suggestion by Poland yet to be elaborated; similar ideas were brought to the fore by Australia, Ireland, New Zealand and Romania) to bring about voluntary restraint and responsibility in conventional arms transfers.

The Ad Hoc Committee on Transparency in Armaments can certainly do useful work on the acute problem posed by the present-day use of anti-personnel land mines. This question has both political and humanitarian dimensions. The attention of the multilateral arms control community is warranted. Recent initiatives in this respect were embodied in resolutions adopted during the 48th session of the UN General Assembly last year.

Now, the CD is seized of this issue, as is the UN Secretary-General's 1994 Group of Governmental Experts on the UN Register of Conventional Arms. There is, however, a slight danger that well-intended efforts might suffer from fragmentation and lack of focus. Without prejudice to the

ultimate forum to be chosen, what the Ad Hoc Committee can do at least is work towards a consensus view on the proper parameters for action.

The CD's mandate further includes the elaboration of practical means to increase openness and transparency related to weapons of mass destruction. Discussions in the CD on this contentious issue are still in a preliminary phase. It seems useful to make a distinction here between transfers on the one hand and holdings and procurement on the other. After the entry into force of the Chemical Weapons Convention - to be expected in about a year's time - there will exist a coherent interlocking network of international agreements prohibiting any transfer of any weapon of mass destruction.

As for holdings and procurement of nuclear weapons and other nuclear explosive devices, the Nuclear Non-Proliferation Treaty recognises the existence of five Nuclear Weapon States. All other holdings and procurement of nuclear weapons are prohibited by international law. The Geneva Protocol, the Chemical Weapons Convention and the Biological Weapons Convention between them prohibit any design, possession, production and use of chemical and biological weapons respectively.

The basic assignment of the Conference on Disarmament could be to ensure that the transparency-process would in due course yield comprehensive data and information on military outlays as well as on aggregate military force structures.

A good deal of information on nuclear holdings is, however, already in the public domain. For instance, the full texts of treaties like START and START II are issued as documents of the CD, and are thus widely disseminated. These texts provide information on the size of the nuclear arsenals of the two states concerned.

Important support for making progress is to be derived from the almost universal adherence to the NPT and the IAEA Safeguards System. Regional arrangements, like the Euratom Treaty, and zones free of nuclear weapons or nuclear-free zones, such as the ones established by the recently reinforced Treaty of Tlatelolco and the Rarotonga Treaty are further invaluable mechanisms conducive to a general environment of cooperative security and trust. The same holds true, mutatis mutandis, for the brand new Convention on Chemical Weapons, with its innovative verification provisons.

As additional practical means to increase Openness and Transparency in nuclear matters, the Conference on Disarmament could consider:

a) A Confidence Building Measure under which Nuclear Weapon States might voluntarily supply more information on their nuclear arms holdings and the scale of the reductions of those holdings (Argentina has tabled proposals in this respect, CD/TIA/WP.14).

b) A policy of transparency with regard to plutonium stocks which could ease the future elaboration of a "cut-off"-treaty and which would be another step along the way indicated in article VI of the NPT.

c) Recommendations for advance notification of major military manoeuvres involving nuclear arms.

Resolution 46/36 L further requests the CD to address the issue of transfers of high technology with military applications. While elaborating the practical means requested by the General Assembly, the Conference on Disarmament may establish that export controls are a necessary complement to international agreements prohibiting transfers or the acquisition of weapons of mass destruction. States that do abide by the international commitments appertaining thereto have no reason to worry about export control regimes.

Conclusion

The CD is capable of developing valuable recommendations for concrete measures to increase Openness and Transparency, on the basis of the above-mentioned and other, additional, proposals. It is a "Family of Efforts" which contributes to the success of the Transparency in Armaments exercise, now an object of consensus. These efforts are intended to encourage responsibility and self-restraint. The overall objective is co-operative security. In this way disarmament and international security are truly approached in an integrated manner.

At the national level, the prospect is held out of reallocation of scarce socio-economic resources, without detriment to the security of Member States. A secure environment attracts investments.

There are many meaningful patterns of action which the CD and its AHC/TIA can develop to further Transparency with regard to holdings and procurement through national production. Design and development of significant practical means are within reach of the CD. Such action will foster the UN Register of Conventional Arms.

Furthermore, in extending, in a tangible fashion, the transparency concept to the development of parallel measures, both in the domain of weapons of mass destruction and with regard to transfers of high technology with military

applications, the CD will be executing the mandate entrusted to it by the UN General Assembly to the full.

Transparency is a process which has a clearly defined pattern of further growth. A "Family of Efforts", consisting of formal and informal approaches, both within and outside the United Nations system, at international, regional, and sub-regional levels is well underway to execute a new, challenging security agenda.